



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,775	03/15/2002	Jean-Christophe Jacques Kling	02-001	4985

7590 01/06/2004

Jonathan E. Olson,
Jonathan E. Olson and Associates
733 S. Bowen Street
Longmont, CO 80501

EXAMINER

VARNER, STEVE M

ART UNIT PAPER NUMBER

3635

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,775

Applicant(s)

KLING, JEAN-CHRISTOPHE
JACQUES

Examiner

Steve M Varner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/6/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3, 4, angle DAB is an angle between the fourth and first axis not the fourth and second or another axis.

Claims 5-14 depend from claim 4 and are therefore rejected.

In claim 16, "in which j q," is indefinite.

In claim 20, "in which k l," is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 15-24, are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson.

Regarding claim 1, 15-24, Nelson shows first (15), second (15), and third (30) complete struts substantially aligned along first, second and third axes (AB, BC, and AC) respectively, the axes all contained within a base plane, the first and third axes

Art Unit: 3635

forming a first base angle CAB, the first and second axes forming a second base angle ABC, the second and third axes forming a third base angle BCA, one (30) or more of the struts each comprising at least two rigid pieces able to move apart so as to produce a strut elongation, a first node A (31) engaging the first and third complete struts, the first node A "large enough" to maintain the first base angle CAB at a first positive value about equal to $(jx20.9 + kx31.7 + mx36 + nx37.4)$ where j, k, m, and n are each an integer less than three, a second node B (32) engaging the first and second complete struts, the second node B large enough to maintain the second base angle ABC at a second positive value about equal to $(qx20.9 + rx31.7 + sx36 + tx37.4)$ where q, r, s, and t are each an integer less than three, a third node C (31) engaging the second and third complete struts, the third node C large enough to maintain the third base angle BCA at a third positive value less than 60 degrees, and an extension (17) engaging the triangular base and comprising a fourth complete strut substantially aligned along a fourth axis that forms a substantially acute angle > 3 degrees with the base plane (Fig. 1, 2).

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Richter.

Richter shows means (16) for assembling and supporting first (15), second (15) and third (15) rigid struts substantially aligned in a common plane and means (16) for supporting a fourth (36) complete strut so as to extend out of the common plane at a substantially acute angle > 3 degrees.

Claim Rejections - 35 USC § 103

Art Unit: 3635

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson.

Regarding claim 2, Nelson shows the basic claimed structure. Nelson does not show the angle between the fourth axis and first axis, angle DAB substantially equal to a reference angle selected from a group consisting of 13.3, 15.5, 20.9, 22.2, 31.7, 35.3, 36, 37.4, 37.8, 41.8, 44.5, 45, 54.7, 58.3, 60, 63.4, 65.9, 69.1, 70.5, 72, 75.5, 76.7, 79.2, 82.2, 90, 97.8, 100.8, 103.3, 104.5, 108, 109.5, 110.9, 114.1, 116.6, 120, 121.7, 125.3, 135, 135.5, 138.2, 142.2, 142.6, 144, 144.7, 148.3, 155.9, 157.8, 159.1, 164.5, and 166.7. It would have been an obvious design choice to use these angle measurements for angle DAB depending on the desired dimension of a cell.

Response to Arguments

Claims 1-24 have been reevaluated pursuant to Applicant's remarks that certain angles each be about equal to a qualifying angle.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomsen reveals a method of joining tubular steel lattice members and a device for use in the execution of the method. Evans shows construction module, panel, and system. Aiken teaches geodesic domes and improved joints therefore.

Conclusion

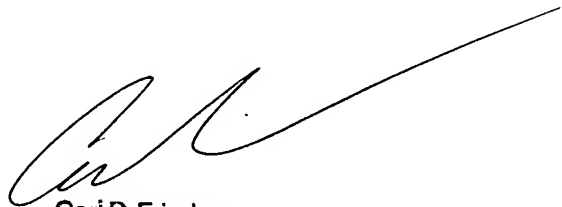
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV

December 22, 2003



Carl D. Friedman
Supervisory Patent Examiner
Group 3600